

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ZELIA CORREIA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:24-cv-00020-JAW
)	
ROBERT HUTCHINSON et al.,)	
)	
Defendants.)	

ORDER AFFIRMING RECOMMENDED DECISION

Zelia Correia currently has two lawsuits in this Court against Robert Hutchinson and Bayview Apartments, LLC (Bayview), alleging that Mr. Hutchinson and Bayview violated various federal statutes and illegally discriminated against her. *See Correia v. Hutchinson*, 1:23-cv-00334-JAW, 1:24-cv-00020-JAW. On March 11, 2024, the Magistrate Judge issued a recommended decision in 1:24-cv-00020-JAW in which she recommended that the Court dismiss Ms. Correia's 2024 lawsuit. *Recommended Decision After Prelim. Review* (ECF No. 11). On March 20, 2024, Ms. Correia filed an objection to that recommended decision. *De Novo Review and Am. Mem. Statement* (ECF No. 12).

On August 30, 2023, Ms. Correia filed a lawsuit against Robert Hutchinson and Bayview. *Correia v. Hutchinson*, No. 1:23-cv-00334-JAW, *Compl.* (ECF No. 1). That case is proceeding forward with orders to Ms. Correia to simplify and clarify her claims. *Id.*, *Order* (ECF Nos. 25, 28, 31).

On January 26, 2024, Ms. Correia filed a second complaint against Robert Hutchinson and Bayview. *Correia v. Hutchinson*, No. 1:24-cv-00020-JAW, *Compl.* (ECF No. 1). Although the two complaints are difficult to follow, they seem to be alleging essentially the same grievances against Mr. Hutchinson and Bayview. *Compare Compl.* (ECF No. 1), 1:23-cv-00334-JAW, *with Compl.* (ECF No. 1), 1:24-cv-00020-JAW. After undertaking a preliminary review, the Magistrate Judge recommended that the Court dismiss the 2024 civil action. *Recommended Decision After Prelim. Review* (ECF No. 11). In the words of the Magistrate Judge:

Upon review, Correia's complaint against the Defendants seem to be largely duplicative of her earlier complaint against them in Case No. 1:23-cv-00334-JAW. Although not identical, Correia's instant complaint is "materially on all fours" with her earlier complaint in that it seemingly asserts housing discrimination claims against the same Defendants stemming from the same general allegation.

Id. at 1. Citing First Circuit law, the Magistrate Judge recommended that the Court dismiss the complaint in No. 1:24-cv-00020-JAW without prejudice to Ms. Correia "renewing her claims and allegations in an amended complaint in her earlier pending case (1:23-cv-00334-JAW)" and "**DEEM MOOT** her other pending motions." *Id.* at 2 (emphasis in original).

On March 20, 2024, Ms. Correia filed a nineteen-page objection to the recommended decision. *De Novo Review and Am. Mem. Statement* (ECF No. 12). In her objection, Ms. Correia describes her claims in greater detail and reiterates their merits against the Defendants. *Id.* at 1-19. In her objection, Ms. Correia describes her reasoning for filing a second lawsuit. *Id.* at 16. She explains that once the Magistrate Judge issued an order dated December 28, 2023 prohibiting the filing of

any further motions or pleadings until January 4, 2024, and as, in her view, she “was not permitted to address that Motion during the first action filed with the court. . . [this] left her to then file a second federal action against the Defendants as to the Continuation of Discrimination.” *Id.* at 17. She claims the “ORDER by Magistrate Judge Wolf left Plaintiff to file a second action against Defendant Civil No. 1:23-cv-00020-JAW.”¹ *Id.*

In this Court’s view, Ms. Correia’s basis for filing the second civil action is misguided. As the Magistrate Judge explained in her recommended decision, Ms. Correia is within her rights to move to amend her original complaint in 1:23-cv-00334-JAW to supplement her claims, but she should not be filing a new lawsuit against the same parties for each alleged act of continuing discrimination.

The Court reviewed and considered the Magistrate Judge’s recommended decision, together with the entire record, and has made a de novo determination of all matters adjudicated by the Magistrate Judge’s recommended decision, and the Court affirms the recommendation of the United States Magistrate Judge for the reasons set forth in this order and in the recommended decision. By separate simultaneous order in 1:23-cv-00334-JAW, the Court is ordering Ms. Correia to file a “short and plain” statement of her claim against Robert Hutchinson and Bayview that is “simple, concise, and direct” within two weeks. *See Order* at 4 (ECF No. 31), 1:23-cv-00334-JAW. The Court encourages Ms. Correia to devote herself to compliance with that order.

¹ Here, Ms. Correia must be referring to 1:24-cv-20.

A plaintiff is entitled to file one, not two, civil complaints against the same parties for the same alleged wrong. *Congress Credit Corp. v. AJC Int'l*, 42 F.3d 686, 689 (1st Cir. 1994) (“A district court may certainly dismiss an action which is merely ‘duplicative’ of another action pending in another federal court”). The Court therefore DISMISSES without prejudice Zelia Correia’s complaint in No. 1:24-cv-00020-JAW.² The Court DEEMS MOOT and DISMISSES without prejudice all other motions pending in No. 1:24-cv-00020-JAW.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 10th day of April, 2024

² If Ms. Correia wishes to insert the claims in this lawsuit in her pending lawsuit in 1:23-cv-00334-JAW, she should do so in that case by appropriate motion. If she elects to file new matters in 1:23-cv-00334-JAW, her new allegations must be “short and plain.” See FED. R. CIV. P. 8(a)(2).